

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY ANKARA PRIORITY

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E.O. 11652: N/A

TAGS: CARR, CASC, TU

SUBJECT: ANTAKYA THREE

REF: (A) STATE 154058, (B) ANKARA 4536

1. TURKISH AMBASSADOR ESENBEL CALLED ON COUNSELOR NIMETZ
JUNE 19 TO DISCUSS ANTAKYA CASE AMONG OTHER SUBJECTS
(SEPTELS). IN RESPONSE TO DEPT'S LATEST INQUIRY RE STATUS
OF PROPOSED TRANSFER TREATY (REF A), ESENBEL SAID EMBASSY
HAD BEEN INSTRUCTED BY THE MFA TO SUGGEST THAT U.S. CONSIDER
ADHERENCE TO THE EUROPEAN CONVENTION ON THE INTERNATIONAL
VALIDITY OF CRIMINAL JUDGMENTS (REF B). ESENBEL ADDED THAT
IF THE U.S. CANNOT ADHERE TO THE CONVENTION FOR SOME REASON,
THE GOT WOULD BE PREPARED TO NEGOTIATE A BILATERAL AGREEMENT
WITH THE U.S. WITH PROVISIONS WHICH DID NOT RPT NOT "GO
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BEYOND" THE LIMITS OF THE EUROPEAN CONVENTION.

2. NIMETZ COMMENTED THAT THE DEPT'S LEGAL ADVISERS WERE
ONCE AGAIN EXAMINING POSSIBLE U.S. ADHERENCE TO EUROPEAN
CONVENTION. DEPTOFF RECALLED THAT THIS IDEA HAD BEEN
REVIEWED IN PAST. IT HAD THEN BEEN CONCLUDED THAT THERE
WERE LEGAL PROBLEMS FOR U.S. IN ADHERING TO EUROPEAN

CONVENTION. HOWEVER, NIMETZ ASSURED ESENBEL THAT DEPT WOULD CAREFULLY REASSESS TERMS OF CONVENTION IN LIGHT OF TRANSFER TREATIES RECENTLY NEGOTIATED BY U.S. WITH MEXICO,

CANADA AND BOLIVIA, AND IMPLEMENTING LEGISLATION.

3. ESENBEL NOTED IT WOULD BE MUCH EASIER POLITICALLY FOR THE GOT TO RESOLVE THE ANTAKYA CASE UNDER TERMS OF A MULTILATERAL CONVENTION, RATHER THAN A BILATERAL ARRANGEMENT WITH THE U.S. HE ALSO EXPRESSED THE PERSONAL VIEW THAT ONCE THE PRISONERS WERE RETURNED TO AMERICAN JURISDICTION, THE TURKISH GOVERNMENT WOULD NOT RPT NOT BE OVERLY CONCERNED WHETHER THE REMAINDER OF THEIR SENTENCES WERE SERVED IN PRISON OR UNDER PAROLE.

4. ESENBEL ALSO SAID THAT EARLIER JUNE 19 HE HAD MET WITH CONGRESSMAN SAWYER (R-MICH), WHO IN RECENT DAYS HAS CIRCULATED A LETTER TO HIS COLLEAGUES (TEXT SENT SEPTTEL) AND HAS INSERTED NUMEROUS STATEMENTS IN THE CONGRESSIONAL RECORD ON THIS CASE. THRUST OF SAWYER ARGUMENT IS THAT TURKISH ARMS EMBARGO SHOULD NOT RPT NOT BE LIFTED UNTIL PROPOSED TRANSFER TREATY HAS BEEN PUT INTO EFFECT. ACCORDING TO ESENBEL AND SUBSEQUENTLY CONFIRMED TO DEPT BY SAWYER STAFF MEMBER, CONGRESSMAN IS "ENTHUSIASTIC" ABOUT TURKISH WILLINGNESS TO NEGOTIATE ARRANGEMENT WITH U.S. WHICH WOULD ALLOW RETURN OF ANTAKYA THREE PRISONERS. LIMITED OFFICIAL USE

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5. DEPT IS CAREFULLY REVIEWING TERMS OF EUROPEAN CONVENTION AND ALSO EVALUATING WHETHER IT WOULD BE POSSIBLE TO UTILIZE AT LEAST SOME PROVISIONS OF CONVENTION TO NEGOTIATE BILATERAL AGREEMENT. WE WILL CABLE RESULTS TO EMBASSY AS SOON AS AVAILABLE. VANCE

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